

IN THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A recording method for recording data stream on a dual layer recordable disk having a first layer and a second layer, the method comprising an act of performing an Optimum Power Control (OPC) procedure for determining an actual optimum writing power, said Optimum Power Control procedure being performed in variably located OPC-areas on the disk ~~including an OPC-area that are variably located on the first layer and the second layer,~~ at least one of the variably located OPC-areas is positioned on the second layer and located relatively close to a radius where the data stream switches from the first layer to the second layer.

2. (Currently Amended) ~~A~~ The recording method as claimed in claim 1, wherein ~~the~~ a location of the at least one of the variably

located OPC-areas ~~on the layers of the dual layer disk~~ depends on the amount of information to be recorded on the disk.

3. (Currently Amended) A The recording method as claimed in claim 2, wherein ~~at least one~~ an OPC area of the variably located OPC-areas is located in the Middle Zone of the at least one of the layers of the dual layer disk.

4. (Currently Amended) A The recording method as claimed in claim 1, comprising a further step of performing a further Optimum Power Control (OPC) procedure, said further Optimum Power Control procedure being performed in a further OPC-area located at a fixed position on at least one of the layers of the dual layer disk and reserved for use by the further Optimum Power Control procedure.

5. (Currently Amended) A The recording method as claimed in claim 4, wherein the further Optimum Power Control procedure is performed in a first fixed OPC-area located on the first layer and in a second fixed OPC-area located on the second layer.

6. (Previously Presented) A recording device for recording information on a dual layer recordable disk adopted for using the method according to claim 1.

Claims 7-20 (Canceled)